

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JEAN KERKOVE

PLAINTIFF

VS.

CIVIL ACTION NO. 4:18-CV-227-SA-JMV

NATIONAL RAILROAD PASSENGER CORPORATION
d/b/a AMTRAK, CANADIAN NATIONAL RAILWAY COMPANY,
AS SUCCESSOR TO ILLINOIS CENTRAL RAILROAD COMPANY;
ILLINOIS CENTRAL RAILROAD COMPANY;
JOHN SHERMAN; ASA BENNETT; LYDIA BENNETT;
MACKER MONTGOMERY AND
ARNOLD TRANSPORTATION, LLC

DEFENDANTS

AGREED ORDER OF DISMISSAL WITH PREJUDICE

THIS CAUSE came on for hearing on the joint motion *ore tenus* of Plaintiff Jean Kerkove and Defendants National Railroad Passenger Corporation d/b/a Amtrak (“Amtrak”) and Illinois Central Railroad Company (“Illinois Central”) for an order of final judgment and dismissal with prejudice, and this Court having considered said Motion and after being advised that these parties have settled and consent to the entry of this order, is of the opinion that Plaintiff’s action against Defendants Amtrak and Illinois Central should be dismissed with prejudice with each party to pay their own costs and attorneys’ fees. The Court further expressly determines that, pursuant to FED. R. CIV. P. 54(b), there is no just reason for delay and expressly directs that this Agreed Order for Final Judgment and Dismissal with Prejudice be entered.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Plaintiff’s Complaint and all claims asserted, or which could have been asserted by Plaintiff against Amtrak and Illinois Central are hereby dismissed with prejudice with each party to pay their own costs and attorneys’ fees. There being no just reason for delay, the Court expressly directs that this

Agreed Order for Final Judgment and Dismissal with Prejudice concerning Plaintiff's claims against Amtrak and Illinois Central be entered.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's claims against Defendants Macker Montgomery and Arnold Transportation, Inc. are not affected by this Agreed Order for Final Judgment and Dismissal with Prejudice as those claims remain pending on the Court's docket.

SO ORDERED, this the 10th day of July 2019.

/s/ Sharion Aycock
UNITED STATES DISTRICT COURT JUDGE

AGREED AND APPROVED BY:

/s/ John T. Lamar, III
John T. Lamar, III (MSB # 102494)
Attorney for Plaintiff Jean Kerkove

/s/ Jeremy L. Birdsall
Jeremy L. Birdsall (MSB #100284)
Attorney for Defendants National
Railroad Passenger Corporation and
Illinois Central Railroad Company